

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

James A. Anderson,

Court File No.: 06-CV-5028 (PJS/JJG)

Plaintiff,

vs.

John S. Spreiter, Mary E. Spreiter,
Home State Bank, a Minnesota corporation,
CJB, LLC, a Minnesota limited liability
company,
Banken Real Estate Investments, LLC,
a Minnesota Limited liability company,
and Chad Banken,

**DEFENDANT JOHN S. SPREITER,
MARY E. SPREITER AND HOME
STATE BANK'S MOTION FOR
SUMMARY JUDGMENT**

Defendants.

TO: PLAINTIFF AND HIS ATTORNEY MICHAEL T. KALLAS, 4930 WEST 77TH
STREET, SUITE 210, EDINA MN 55435

PLEASE TAKE NOTICE that pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) and Rule 7.1(b) of the Local Rules of the United States District Court for the District of Minnesota, Defendants John S. Spreiter, Mary E. Spreiter, and Home State Bank, a Minnesota corporation, through their undersigned counsel, will move the above Court for an Order granting Defendants' Motion for Summary Judgment.

This Motion is based upon the entire record, file and proceedings herein, including the Memorandum of law submitted with this Motion and the Declaration of Barton C. Gernander with attached exhibits.

HELLMUTH & JOHNSON, PLLC

Dated: January 10, 2008

s/ Barton C. Gernander
Chad A. Johnson (ID #225149)
Barton C. Gernander (ID #26779X)
Attorneys for Defendants John S. Spreiter,
Mary E. Spreiter, and Home State Bank
10400 Viking Drive, Suite 500
Eden Prairie, MN 55344
Telephone: (952) 941-4005
Facsimile: (952) 941-2337